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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,371	01/26/2001	Tsutomu Wakabayashi	1548.1003	5770

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EXAMINER

SMITH, ARTHUR A

ART UNIT PAPER NUMBER

2851

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,371

Applicant(s)

WAKABAYASHI ET AL.

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/03 has been entered.

Claim Objections

Claims 4 and 5 are objected to because of the following informalities:

Line 1 change "resent" to --reset--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto (USPN 5903786).

In reference to claim 6, Goto discloses a mode selection unit, ref. 7, to select, at least, one mode setting state in which a plurality of functions related to a photographing operation can be selected and set, col. 4 lines 31-39; a selection/setting operation unit, ref. 5, 6, 12 and 13, to select and set the at least one of the functions, col. 4 lines 60-67;

a reset operation unit, ref. 22, to reset the functions to a specific initial state, respectively; and a reset control unit to reset only functions which can be selected and set in the mode setting state selected by the mode selection unit when the reset operation unit has been operated, col. 4 lines 46-50, (The reset function only resets functions such as exposure and photometry mode it does not reset functions such as those related to the internal ROM which are not settable) wherein a release operation is enabled when the mode selection unit is set in, at least, one first mode setting (USE mode) in which a first function related to a photographing operation can be selected and set, col. 4 lines 39-42, and the release operation is prohibited when the mode selection unit is set in, at least, one second mode (ERASE mode) setting in which a second function other than the first function can be selected and set, col. 6 lines 52-57 (The second function would be that in the ERASE mode a range value or an entire exposure mode can be erased, col. 7 lines 10-13 and col. 6 lines 4-8).

In reference to claim 8, Goto discloses wherein the mode selection unit, ref. 7, is capable of selecting, at least, one setting among photographing condition settings in which a photographing condition of a photographing operation started by issuing a photographing start instruction in the camera can be set, col. 4 lines 57-67, a custom setting (the manual exposure mode), in which value settings for a plurality of functions can be set independently of one another, and a film sensitivity setting in which the film sensitivity can be set, col. 7 lines 61-63, and details that can be reset by the reset control unit when the reset operation unit has been operated in a given setting selected by the mode setting unit only include a numerical value or a state that can be set in the

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setting, col. 4 lines 46-50, (The reset function only resets functions such as exposure and photometry mode it does not reset functions such as those related to the internal ROM which are not settable)

In reference to claim 10, Goto discloses wherein the reset control unit implements reset display on a display unit, ref. 11, to display a camera setting and/or a control state when the reset operation unit has been operated, col. 7 lines 37-42.

In reference to claim 9, Goto discloses a camera resetting method, comprising: selecting at least one mode setting position at which a plurality of functions related to a photographing operation can be selected and set by a mode selection unit, col. 4 lines 31-39; selecting and setting the functions, col. 4 lines 60-67; and resetting only functions which can be selected and set in the mode setting state selected by the mode selection unit when the reset operation unit has been operated, col. 4 lines 46-50, (The reset function only resets functions such as exposure and photometry mode it does not reset functions such as those related to the internal ROM which are not settable), wherein a release operation is enabled when the mode selection unit is set in, at least, one first mode setting in which a first function related to a photographing operation can be selected and set, col. 4 lines 39-42, and the release operation is prohibited when the mode selection unit is set in, at least, on second mode setting in which a second function other than the first function can be selected and set, col. 6 lines 52-57 (The second function would be that in the ERASE mode a range value or an entire exposure mode can be erased, col. 7 lines 10-13 and col. 6 lines 4-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (USPN 5903786).

In reference to claim 5, Goto discloses all the limitations of the parent claim as discussed above. Goto does not specifically disclose wherein the reset operation unit is provided with two operating members; and the reset control unit determines that the reset operation unit has been operated when the two operating members have been continuously operated together over a period equal to or greater than a predetermined length of time. However, it is old and well known in the art to provide a delay or confirmation method in the resetting or erasing of camera functions from memory. Goto in fact discloses that in order for a function to be erased not only must the mode selection unit, ref. 7, be set to ERASE but the erase button, ref. 15, must also be pressed, col. 5 lines 10-13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a delay or the requirement of the execution of second button, such as ref. 15, in addition to the mode selection unit, ref. 7, being set to the RESET mode before the functions are reset. This would be done to

prevent the inadvertent resetting of the camera functions through the errant actions of a camera user.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goto (USPN 5903786) in view of Naruse et al. (USPN 4914468).

Goto discloses all the limitations of the parent claim as shown above. Naruse et al. discloses that a display can be momentarily turned off after a function is changed to clearly indicate the change of the function, col. 26 lines 38-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to momentarily turn off the display of Goto when a function is reset. This would be done per the teachings of Naruse et al., to clearly indicate that a change had been made.

Response to Arguments

Applicant's arguments filed on 1/23/02 have been fully considered but they are not persuasive. Applicant has argued that Goto fails to teach a reset control unit that resets only functions that can be selected and set in the mode setting state selected by the mode selection unit. However, the disclosure of Goto discusses only that the functions (those stored in memory, ref. 51) which can be selected and set in the mode setting state selected by the mode selection unit are reset, col. 7 lines 35-43 and col. 8 lines 40-45. Goto does not mention the resetting of any other functions such as those that are not selected or set by the user. Examples of such functions, which are not reset, are those that would be included in the ROM of a camera.

Further, with respect to the obviousness rejection based upon Goto and Naruse et al. the Applicant has argued that the motivation is based on hindsight. However, it

must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

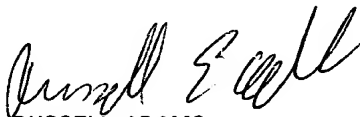
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS
February 22, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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